

HOUSE BILL 714

By Wilburn

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 26, Part 1, relative to health care liability actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 26, Part 1, is amended by adding the following as a new section:

(a) Except as otherwise provided in this section, the results of a survey, an inspection, or an investigation of a health care provider that is conducted by any state or federal department or agency, including any statement of deficiencies and all findings and deficiencies cited in the statement of deficiencies on the basis of the survey, inspection, or investigation, all proposed or implemented plans of correction submitted by the health care provider, and statements of or records of interviews with employees or independent contractors of the health care provider, shall not be:

(1) Admissible in evidence or otherwise used in any health care liability action in any court or arbitration proceeding; or

(2) Used in an advertisement, unless the advertisement includes all of the following:

(A) The date the survey, inspection, or investigation was conducted;

(B) If a finding or deficiency cited in the statement of deficiencies has been corrected, a statement that the finding or deficiency has been corrected and the date the finding or deficiency was corrected; and

(C) A statement that the advertisement is neither authorized nor endorsed by the department of health, department of mental health and substance abuse services, or any other government agency.

(b) Nothing in this section prohibits the results of a survey, an inspection, or investigation being used in an administrative proceeding or an appeal of an administrative proceeding initiated by a state or federal department or agency.

(c) Nothing in this section prohibits the results of a survey, an inspection, or investigation being used to impeach a witness in a health care liability action.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.